

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Rodney Lloyd Dockter,)	
)	
Plaintiff,)	ORDER ADOPTING REPORT
)	AND RECOMMENDATION
vs.)	
)	
Deutsche Bank Nat'l Trust Co.,)	
Mackoff Kellogg Law Firm, and)	
Sandra Kuntz,)	
)	Case No. 1:08-cv-099
Defendants.)	

On November 18, 2008, the plaintiff, Rodney Dockter, filed a motion for leave to proceed in forma pauperis. See Docket No. 1. On December 15, 2008, Magistrate Judge Charles S. Miller, Jr. granted the motion. See Docket No. 2. Dockter subsequently filed a complaint against the Defendants. See Docket No. 3. Pursuant to 28 U.S.C. § 1915, Judge Miller conducted a review of the record and relevant case law and submitted a Report and Recommendation on December 15, 2008. See Docket No. 4. Judge Miller found that the Court lacks the authority to consider Dockter's claims, that Dockter has failed to plead a claim on which relief can be granted, and that the claims are frivolous on their face. Judge Miller recommended that Dockter's complaint be dismissed without prejudice (including without prejudice to the filing of a paid complaint) unless within twenty (20) days he files an amended complaint that sets forth a cognizable claim for relief. Dockter was given ten (10) days to file an objection to the Report and Recommendation. Dockter did not file an objection.

The Court has reviewed the Report and Recommendation, relevant case law, and the record as a whole and finds the Report and Recommendation to be persuasive. Accordingly, the Court **ADOPTS** the Report and Recommendation (Docket No. 4) in its entirety.

IT IS SO ORDERED.

Dated this 12th day of January, 2009.

/s/ Daniel L. Hovland
Daniel L. Hovland, Chief Judge
United States District Court